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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/581,956	11/17/2000	Glenn Robert Beale	WDURM-003US	6598

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EXAMINER

NGO, LIEN M

ART UNIT PAPER NUMBER

3727

DATE MAILED: 12/07/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/581,956

Applicant(s)
Beale

Examiner
Lien Ngo

Art Unit
3727



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11-17-00.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other:

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DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: in page 19, line 19, "Fig. 346" should be --Fig. 46--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-11, 36-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, "like support structure" is indefinite.

In claim 6, "the stem" lacks antecedent basis.

In claims 8 and 9, "like plastic material" is indefinite.

In claim 36, "said locating ring" lacks antecedent basis. Claims 37-46 depend on the rejected claim 36.

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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5. Claims 15, 16 and 18-30, 36-46 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claims 15 and 16, the specification does not disclose two point of connection located at non-expanding part.

In claim 18, "a locating ring immediately below a first non-expanding region and below a second non-expanding region" is not supported in the specification. Claims 17-30 depend on rejected claimed 18.

In claims 36-46, a first non-expanding region and a second non-expanding region in the container are not supported in the specification. They are just present in the preform.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1- 14, 17, and 33-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshiki et al. (JP 3-90331).

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In regard to claims 1 and 7-11, Yoshiki et al. disclose, in figs. 2-4, a plastic preform (PET) comprising a neck portion and an expandable portion and a loop of plastic material having a separate second end from the preform. Product-by process claims 7-11 are limiting only as to the preform structure (see MPEP 2113).

In regard to claims 2-6, the claimed method is inherently performed during the normal forming a container from the Yoshiki et al. preform.

In regard to claims 12-14, 17, and 33-35, Yoshiki et al. disclose, a container comprising a handle, neck portion, a locating ring and a non-expanding region below said locating ring.

8. Claims 1-14, 17, and 31-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Pryor. (WO 96/30189).

In regard to claims 1 and 7-11, Pryor discloses, in fig. 6, a plastic preform comprising a neck portion, and an expandable portion and a loop of plastic material having a separate second end from the preform. Product-by process claims 7-11 are limiting only as to the preform structure (see MPEP 2113).

In regard to claims 2-6, the claimed method is inherently performed during the normal forming a container from the Pryor preform.

In regard to claims 12-14, 17 and 33-35, Pryor. discloses, a container comprising a handle, neck portion, a locating ring and a non-expanding region below said locating ring.

In regard to claims 31 and 32, figs. 9A-9E disclose the loop of the preform is shrouded during the preheating of the preform.

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9. Claims 33, 47 and 48 are rejected under 35 U.S.C. 102(e) as being anticipated by Bright (5,674,930). Bright discloses, in figs. 5 and 6, a container having a handle, and an inner wall made from a different material from an outer wall.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 49-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bright in view of Lin (Des.376,731). Bright does not disclose the container having a discontinuity region in a plane which lies at an acute angle to the horizontal. Lin teaches a container having a discontinuity region as claimed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the container of Bright having a discontinuity region as claimed, as taught by Lin, in order to enhance the rigidity of the container.

In regard to claims 52-54, the container of Bright is formed by a preform having plurality of wall profiles.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Miyazawa et al., Hafele, Thompson, Saito et al, Jose and JP 3-269807 teach preforms having handles.

Van Dyk et al. and Bloom teach a container having discontinuity regions.

Valyi teaches a preform having multiple layers.

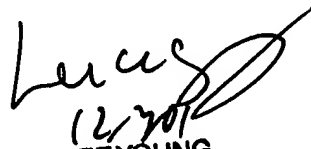
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lien Ngo whose telephone number is (703) 305-0294. The examiner can normally be reached Monday through Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful. The examiner's supervisor, Lee Young, can be reached at (703)308-2572. The Group FAX number is (703) 305-3597.

Any inquiry of a general nature or relating to the status of the application should be directed to the Group receptionist at (703) 308-1148.

Lien Ngo

November 27, 2001


LEE YOUNG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700